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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,996

06/11/2007

Yechiel Shai

SHAI8

3380

1444 7590 10/03/2008  
BROWDY AND NEIMARK, P.L.L.C.  
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EXAMINER

NIEBAUER, RONALD T

ART UNIT

PAPER NUMBER

1654

MAIL DATE

DELIVERY MODE

10/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10583996	6/11/2007	SHAI, YECHIEL	SHAI8

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WASHINGTON, DC 20001-5303

**EXAMINER**

RONALD T. NIEBAUER

ART UNIT	PAPER
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1654	20080919
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DATE MAILED:

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**Commissioner for Patents**

The reply filed on 8/4/08 is not fully responsive to the prior restriction requirement because of the following omission(s) or matter(s): applicant has not elected a unique species for the peptide. Applicant states that they elect 'the diastereomeric peptide corresponding to bacterial protein aspartate Tar receptor' as the species. Applicant states that claims 1-3,18-21 read on the species. However, the identity of the species is unclear. For example, claim 21 recites 2 unique sequences. It is unclear if applicant intends to elect one of those sequences or another sequence. Applicant is to elect a single unique species. Applicant should also identify, if any, the further residues as recited in claim 20 for example. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald T. Niebauer whose telephone number is 571-270-3059. The examiner can normally be reached on Monday-Thursday, 7:30am-5:00pm, alt. Friday, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached at 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ronald T Niebauer/  
Examiner, Art Unit 1654

/Anish Gupta/  
Primary Examiner, Art Unit 1654